

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Case No. SA:23MJ363

JOSE EMIGDIO Q MENDOZA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 11, 2023 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 922(a)(6)
 18 USC 922(a)(1)(A)

False Statement During Purchase of a Firearm, Unlicensed Dealing of
 Firearms
 PENALTIES: Up to 10 years imprisonment; \$250,000 fine; 3 years
 supervised release; \$100 special assessment
 Up to 5 years imprisonment; \$250,000 fine; 3 years supervised release,
 \$100 special assessment



This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

MATTHEW ALVIS Digitally signed by MATTHEW ALVIS
Date: 2023.03.12 10:08:51 -05'00'

Complainant's signature

Matthew L. Alvis, ATF Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☐ Sworn to telephonically and signed electronically.

Date: 3/12/23City and state: San Antonio, Texas
Judge's signature

Hon. Elizabeth S. Chestney, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Matthew Alvis, being duly sworn do hereby depose and state:

1. I am currently employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so employed since December 2021. I have participated in investigations concerning violations of Titles 18, 21, and 26.
2. In early March 2023, ATF San Antonio III received information regarding a suspicious firearm purchaser at a federally licensed firearms dealer in San Antonio, Texas, in the Western District of Texas. **Jose Emigdio Q MENDOZA** was identified as the purchaser of multiple FN SCAR 17S .308 caliber rifles.
3. On March 11, 2023, MENDOZA purchased two FN SCAR 17S .308 caliber rifles from a federally licensed firearms dealer in San Antonio. Agents arrived at the FFL prior to MENDOZA leaving and observed MENDOZA complete the transfer of the two FN SCAR rifles.
4. San Antonio III agents contacted MENDOZA in the parking lot and engaged MENDOZA in a consensual interview. MENDOZA waived his Miranda rights verbally and in writing, as well as consented to agents searching through his phone in writing.
5. MENDOZA stated he purchases firearms and lists them on Texas Gun Trader, an online platform, to sell them for profit. The firearms MENDOZA has recently purchased include Barrett .50 caliber rifles and FN Columbia SCAR 17S rifles. In my training and experience, these weapons are highly sought after by Mexican cartels and firearm trafficking organizations for their firepower and as a status symbol.
6. MENDOZA admitted he profits approximately \$1,000.00 from the sale of each Barrett rifle, and \$100.00 - \$200.00 off other firearms. If someone contacts him and is interested in purchasing the firearm, MENDOZA will go to the FFL to purchase the firearm and sell it to the actual purchaser of the firearm from Texas Gun Trader.
7. During a consensual review of MENDOZA's phone, agents found evidence of MENDOZA communicating with various individuals regarding the buying and selling of firearms. MENDOZA's text messages show MENDOZA had purchased and sold firearms to the same individuals on multiple occasions.
8. Your affiant reviewed the ATF Form 4473 completed by MENDOZA on March 11, 2023, and found that MENDOZA checked "yes" while answering question 21(a), which certified that MENDOZA was the true buyer/transferee of the firearm. Therefore, MENDOZA made

a false statement when completing the ATF Form 4473 during the transfer of the two FN SCAR 17S, .308 caliber rifles on March 11, 2023, because the firearms were truly not for MENDOZA.

9. On March 11, 2023, a federal licensing records check revealed that MENDOZA does not have a license to sell firearms.

Based on the above facts, I believe there is probable cause that **Jose Emigdio Q MENDOZA** made a false statement while purchasing a firearm at a federally licensed firearm dealer, and is engaged in the dealing of firearms without a license. Therefore, MENDOZA has violated Title 18 U.S.C. Sections 922(a)(6) and 922(a)(1)(A).

**MATTHEW
ALVIS**

Digitally signed by
MATTHEW ALVIS
Date: 2023.03.12 10:08:02
-05'00'

Special Agent Matthew L. Alvis
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF MARCH 2023.


HONORABLE ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE